

United States District Court  
NORTHERN DISTRICT OF CALIFORNIA

Bikash Mohan Mohanty, Individually and on  
Behalf of All Others Similarly Situated,

**SUMMONS IN A CIVIL CASE**

CASE NUMBER: C 07-5101 SBA

**V.**

See Attachment A

TO: (Name and address of defendant)

See Attachment B

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

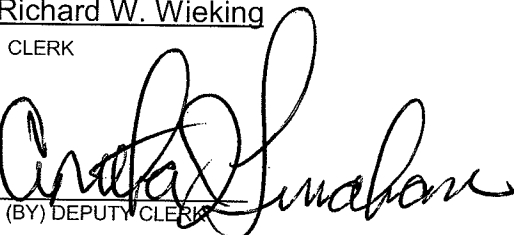
Reed R. Kathrein (139304)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
Telephone: (510) 725-3000  
Facsimile: (510) 725-3001  
reed@hbsslaw.com

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking  
CLERK

OCT 16 2007

DATE \_\_\_\_\_

  
(BY) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**

DATE

Service of the Summons and Complaint was made by me <sup>1</sup>

Name of SERVER

TITLE

*Check one box below to indicate appropriate method of service*☐

Served Personally upon the Defendant. Place where served:

☐

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐

Returned unexecuted:

☐Other (*specify*):**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

*Date**Signature of Server**Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

**ATTACHMENT A TO SUMMONS**

**DEFENDANTS:**

1. Amir Bassan-Eskenazi
2. Ran Oz
3. Frederick Ball
4. Gal Israely
5. Dean Gilbert
6. Ken Goldman
7. Lloyd Carney
8. Bruce Sachs
9. Robert Sachs
10. Goeffrey Yang
11. Morgan Stanley & Co., Inc.
12. Merrill Lynch, Pierce, Fenner & Smith Inc.
13. Jefferies & Co., Inc.
14. Cowen & Co., Inc.
15. Thinkequity Partners, LLC
16. BigBand Networks, Inc.

**ATTACHMENT B TO SUMMONS**

**DEFENDANT NAMES AND ADDRESSES**

1. Amir Bassan-Eskenazi  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
2. Ran Oz  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
3. Frederick Ball  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
4. Gal Israely  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
5. Dean Gilbert  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
6. Ken Goldman  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
7. Lloyd Carney  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
8. Bruce Sachs

**ATTACHMENT B TO SUMMONS**

c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304

9. Robert Sachs  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
10. Goeffrey Yang  
c/o Rod Strickland  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304
11. Morgan Stanley & Co., Inc.  
CT Corporation System  
818 West Seventh Street  
Los Angeles, CA 90017
12. Merrill Lynch, Pierce, Fenner & Smith Inc.  
CT Corporation System  
818 West Seventh Street  
Los Angeles, CA 90017
13. Jefferies & Co., Inc.  
CT Corporation System  
818 West Seventh Street  
Los Angeles, CA 90017
14. Cowen & Co., Inc.  
CT Corporation System  
818 West Seventh Street  
Los Angeles, CA 90017
15. Thinkequity Partners, LLC  
National Registered Agents, Inc.  
160 Greentree Drive, Suite 101  
Dover, DE 19904
16. BigBand Networks, Inc.  
c/o Matthew Fricke  
913 Willow Street, Suite 205  
San Jose, CA 95125

Attorney Or Party Without Attorney (Name and Address): <b>REED A. KATHREIN, ESQ. (133034)</b> <b>HAGENS BERMAN SOBOL SHAPIRO LLP</b> <b>715 Hearst Ave., Suite 202</b> <b>Berkeley, CA 94710</b>		Case 4:07-cv-05101-SBA Document 9 Filed 11/16/2007 Page 6 of 7 (510) 725-3034		FOR COURT USE ONLY	
Attorneys for: <b>PLAINTIFFS</b>		Ref. No. Or File No. <b>W2485917</b>			
Insert name of court, judicial district and branch court, if any: <b>UNITED STATES DISTRICT COURT</b> <b>NORTHERN DISTRICT OF CALIFORNIA</b>					
Plaintiff: <b>BIKASH MOHAN MOHANTY</b>					
Defendant: <b>AMIR BASSAN-ESKENZAI</b>					
<b>PROOF OF SERVICE</b>		Date:	Time:	Dept/Div:	Case Number: <b>C 07-5101 SBA</b>

I, Joshua Godar, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUMMONS; CLASS ACTION COMPLAINT FOR VIOLATION OF SECURITIES LAW; CIVIL COVER SHEET; ECF REGISTRATION INFORMATION HANDOUT; ORDER SETTING INITIAL CASE MANAGEMENT AND ADR DEADLINE; JUDGE ARMSTRONG'S STANDING ORDERS; STANDING ORDERS FOR ALL JUDGES OF THE NORTHERN DISTRICT OF CALIFORNIA; CONTENTS OF CMS; NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION; LOCAL GUIDE TO COURT OFFICES - OAKLAND FEDERAL BUILDING

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Defendant : COWEN & CO., INC.

By Serving : BRIAN STONE, Office Manager/Authorized to Accept Service of Process

Address : 555 California Street, 5th Floor , San Francisco, CA 94104

Date & Time : Wednesday, November 7, 2007 @ 2:29 p.m.

Witness fees were : Not applicable.

Person serving:

Joshua Godar

**Wheels of Justice, Inc.**

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.: 1038

(3) County: San Francisco

(4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 15, 2007

Signature:

  
 Joshua Godar



Attorney Or Party Without Attorney (Name and Address): <b>Case 4:07-cv-05101-SBA Document 9 Filed 11/16/2007 Page 7 of 7</b> REED A. KATHREIN, ESQ. (133034) HAGENS BERMAN SOBOL SHAPIRO LLP 715 Hearst Ave., Suite 202 Berkeley, CA 94710 (510) 725-3034		Ref. No. Or File No. <b>W2485920</b>	
Attorneys for: <b>PLAINITFFS</b>			
Insert name of court, judicial district and branch court, if any: <b>UNITED STATES DISTRICT COURT          NORTHERN DISTRICT OF CALIFORNIA</b>			
Plaintiff: <b>BIKASH MOHAN MOHANTY</b>			
Defendant: <b>AMIR BASSAN-ESKENZAI</b>			
<b>PROOF OF SERVICE</b>		Date:	Time:
		Dept/Div:	Case Number: <b>C 07-5101 SBA</b>

I, Joshua Godar, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUMMONS; CLASS ACTION COMPLAINT FOR VIOLATION OF SECURITIES LAW; CIVIL COVER SHEET; ECF REGISTRATION INFORMATION HANDOUT; ORDER SETTING INITIAL CASE MANAGEMENT AND ADR DEADLINE; JUDGE ARMSTRONG'S STANDING ORDERS; STANDING ORDERS FOR ALL JUDGES OF THE NORTHERN DISTRICT OF CALIFORNIA; CONTENTS OF CMS; NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION; LOCAL GUIDE TO COURT OFFICES - OAKLAND FEDERAL BUILDING

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Defendant : Jefferies & Co. Inc.

By Serving : ANN HAMILTON, Office Manager/Authorized to Accept Service of Process

Address : 650 California Street, 29th Floor , San Francisco, California 94108

Date & Time : Wednesday, November 7, 2007 @ 2:42 p.m.

Witness fees were : Not applicable.

Person serving:

Joshua Godar

**Wheels of Justice, Inc.**

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.: 1038

(3) County: San Francisco

(4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 15, 2007

Signature: \_\_\_\_\_

Joshua Godar

